

Attorney Docket: DX0758K1-RE
(a.k.a. 15631-0004801US)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re application of:

J. Fernando Bazan

Application No.: 09/935,366

Filed: August 22, 2001

For: DNA ENCODING INTERLEUKIN-
B30

Examiner: P. Mertz

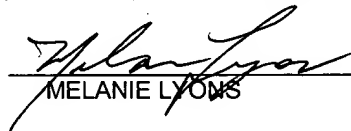
Art Unit: 1646

Conf. No.: 1749

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on March 22, 2004

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

by:


MELANIE LYONS

INFORMATION DISCLOSURE STATEMENT
PURSUANT TO 37 C.F.R. 1.97(c) OR (d)

Sir:

37 C.F.R. 1.97(c)

1.a ☒ The information disclosure statement transmitted herewith is being filed after three months of the filing date of this national application or the date of entry of the national stage as set forth in § 1.491 in an international application or after the mailing date of the first Office Action on the merits, whichever event occurred last, but before the mailing date of either:

- (1) a final action under § 1.113, or
- (2) a notice of allowance under § 1.311, whichever occurs first.

1.b ☐ This statement is accompanied by the certification set forth below. OR

1.c ☒ Applicant(s) elect to pay the fee of \$180.00 for the submission of this information disclosure statement.

03/26/2004 CCHAU1 00000039 041239 09935366
01 FC:1806 180.00 DA

37 C.F.R. 1.97(d)

- 2.a ☐ The information disclosure statement transmitted herewith is being filed after a final action under § 1.113, or a notice of allowance under § 1.311, whichever occurs first, but before, or simultaneously with, the payment of the issue fee.
- 2.b ☐ This statement is accompanied by the certification set forth below. AND
- 2.c ☐ Applicant(s) hereby petition for the consideration of the accompanying information disclosure statement. AND
- 2.d ☐ The fee for this petition is \$130.00.

METHOD OF PAYMENT

- 3.a ☒ Charge \$180.00 to DNAX Deposit Account No. 04-1239.
- 3.b ☐ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to DNAX Deposit Account No. 04-1239.

CERTIFICATION

4. ☐ I, the person signing below, hereby certify
- ☐ that each item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the statement, or
- ☐ that no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application or to the knowledge of the person signing the certification after making reasonable inquiry, was known to any individual designated in § 1.56(c) more than three months prior to the filing of the statement.

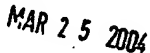
Applicants request that the Examiner fully consider the art cited in the attached PTO/SB/08 form. Applicants further request that the Patent and Trademark Office list all such art on the front of any patent issuing from this application.

Respectfully submitted,

Date: 22-March-2004

By: Sheela Mohan-Peterson
Sheela Mohan-Peterson,
Reg. No. 41,201
Attorney for Applicants

Customer No. 28008
DNAX Research, Inc.
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Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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Substitute for form 1449/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Use as many sheets as necessary)</i>				Complete if Known	
				Application Number	09/935,366
				Filing Date	August 22, 2001
				First Named Inventor	J. Fernando BAZAN
				Art Unit	1646
				Examiner Name	P. Mertz
				Attorney Docket Number	DX0758K1-RE (aka 15631-0004801US)
Sheet	1	of	1		

[illegible]

Examiner Signature		Date Considered	
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹Applicant's unique citation designation number (optional). ²Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 120 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.

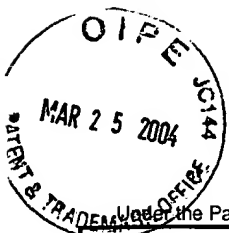


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AF/1646
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PTO/SB/21 (03-03)
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TRANSMITTAL FORM (to be used for all correspondence after initial filing)		Application Number	09/935,366
		Filing Date	08/22/2001
		First Named Inventor	J. Fernando BAZAN
		Art Unit	1646
		Examiner Name	P. MERTZ
Total Number of Pages in This Submission	7*	Attorney Docket Number	DX0758K1-RE (aka 15631-0004801US)

ENCLOSURES (Check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input checked="" type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
Other Enclosures/Remarks: <ul style="list-style-type: none">• Form PTO/SB/08• return receipt postcard <p>* cited references are not included in the page count</p>		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual	Sheela Mohan-Peterson, Reg. No. 41,201 DNAX Research, Inc. 901 California Ave. Palo Alto, CA 94304-1104
Signature	
Date	22-March-2004

CERTIFICATE OF TRANSMISSION/MAILING			
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this date indicated below:			
Typed or printed	MELANIE LYONS		
Signature		Date	3-22-04

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.

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FEE TRANSMITTAL

for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27**Complete if Known**

Application Number	09/935,366
Filing Date	08/22/2001
First Named Inventor	J. Fernando Bazan
Examiner Name	P. Mertz
Art Unit	1646
Attorney Docket No.	DX0758K1-RE (aka 15631-0004801US)

TOTAL AMOUNT OF PAYMENT (\$)**180****METHOD OF PAYMENT** (check all that apply)☐ Check ☐ Credit Card ☐ Other ☐ None☒ Deposit Account:Deposit Account Number: 04-1239Deposit Account Name: DNAX Research, Inc.

The Commissioner is authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☒ Credit any overpayments☒ Charge any additional fee(s) during the pendency of this application☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.**FEE CALCULATION****1. BASIC FILING FEE**

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1001 770	2001 385	Utility filing fee	<u>0</u>
1002 340	2002 170	Design filing fee	<u> </u>
1003 530	2003 265	Plant filing fee	<u> </u>
1004 770	2004 385	Reissue filing fee	<u> </u>
1005 160	2005 80	Provisional filing fee	<u> </u>

SUBTOTAL (1) \$ 0**2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE**

	Extra Claims	Fee from Below	Fee Paid
Total Claims	<u>-20** = 0</u> X	<u> </u>	<u> </u>
Independent Claims	<u>-3** = 0</u> X	<u> </u>	<u> </u>
Multiple Dependent	<u> </u>	<u> </u>	<u> </u>

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description
1202 18	2202 9	Claims in excess of 20
1201 86	2201 43	Independent claims in excess of 3
1203 290	2203 145	Multiple dependent claim, if not paid
1204 86	2204 43	** Reissue independent claims over original patent
1205 18	2205 9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) \$ 0

** or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)**3. ADDITIONAL FEES**

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1051 130	2051 65	Surcharge - late filing fee or oath	<u> </u>
1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet	<u> </u>
1053 130	1053 130	Non-English specification	<u> </u>
1812 2,520	1812 2,520	For filing a request for ex parte reexamination	<u> </u>
1804 920*	1804 920*	Requesting publication of SIR prior to Examiner action	<u> </u>
1805 1,840*	1805 1,840*	Requesting publication of SIR after Examiner action	<u> </u>
1251 110	2251 55	Extension for reply within first month	<u> </u>
1252 420	2252 210	Extension for reply within second month	<u> </u>
1253 950	2253 475	Extension for reply within third month	<u> </u>
1254 1,480	2254 740	Extension for reply within fourth month	<u> </u>
1255 2,010	2255 1,005	Extension for reply within fifth month	<u> </u>
1401 330	2401 165	Notice of Appeal	<u> </u>
1402 330	2402 165	Filing a brief in support of an appeal	<u> </u>
1403 290	2403 145	Request for oral hearing	<u> </u>
1451 1,510	1451 1,510	Petition to institute a public use proceeding	<u> </u>
1452 110	2452 55	Petition to revive - unavoidable	<u> </u>
1453 1,330	2453 665	Petition to revive - unintentional	<u> </u>
1501 1,330	2501 665	Utility issue fee (or reissue)	<u> </u>
1502 480	2502 240	Design issue fee	<u> </u>
1503 640	2503 320	Plant issue fee	<u> </u>
1460 130	1460 130	Petitions to the Commissioner	<u> </u>
1807 50	1807 50	Processing fee under 37 CFR 1.17(q)	<u> </u>
1806 180	1806 180	Submission of Information Disclosure Stmt	<u>180</u>
8021 40	8021 40	Recording each patent assignment per property (times number of properties)	<u> </u>
1809 770	2809 385	Filing a submission after final rejection (37 CFR 1.129(a))	<u> </u>
1810 770	2810 385	For each additional invention to be examined (37 CFR 1.129(b))	<u> </u>
1801 770	2801 385	Request for Continued Examination (RCE)	<u> </u>
1802 900	1802 900	Request for expedited examination of a design application	<u> </u>

Other fee (specify)

* Reduced by Basic Filing Fee Paid

SUBTOTAL (3) \$ 180**SUBMITTED BY**

(Complete (if applicable))

Name (Print/Type)	Sheela Mohan-Peterson	Registration No.	41,201	Telephone	1-650-496-6400
Signature	<i>Sheela Mohan-Peterson</i>	Date	22-March-2004		

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

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